United Nations CERD/C/NAM/Q/13-15

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Eighty-ninth session
25 April-13 May 2016
Item 6 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined thirteenth to fifteenth periodic reports of Namibia (CERD/C/NAM/13-15)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

1. Statistics on the ethnic composition of the population and socioeconomic indicators

(a) Disaggregated data on the enjoyment of economic, social and cultural rights by the various groups of the population (CERD/C/NAM/13-15, paras. 9-16; CERD/C/NAM/CO/12, para. 9);

(b) Data on the representation of ethnic groups, including indigenous people at different levels of public life.

2. Legal and institutional framework, policies and programmes for the implementation of the Convention (arts. 1-4 and 6)

(a) Proposed amendments to the Racial Discrimination Prohibition Act regarding in particular the definition of racial discrimination (CERD/C/NAM/13-15, para. 18; CERD/C/NAM/CO/12, para. 10); amendments to the legislation on hate speech (CERD/C/NAM/13-15, para. 30; CERD/C/NAM/CO/12, para. 14);

(b) Measures taken to raise awareness among the judiciary about the rights under the Convention and its direct applicability by domestic courts (CERD/C/NAM/CO/12, para. 10);

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(c) More information regarding the community courts: their jurisdiction, the appointment of judges, the role and place of those courts within the national judiciary (CERD/C/NAM/13-15, para. 21);

(d) Information on the Recognition of Customary Law Marriages Bill and other measures to eliminate discrimination against women and girls belonging to certain ethnic groups regarding inheritance and marriage (CERD/C/NAM/CO/12, para. 11; A/HRC/23/36/Add.3, para. 47); update on the report on intestate succession, which seeks to eliminate racial discrimination succession laws (CERD/C/NAM/13-15, para. 22);

(e) Proposed amendments to the Ombudsman Act and additional measures to strengthen its mandate and increase its human and financial resources; information on complaints made by and support provided to victims of racial discrimination (CERD/C/NAM/13-15, para. 95; CERD/C/NAM/CO/12, para. 25; A/HRC/23/36/Add.1, para. 13);

(f) Progress and impact of land reform policies on vulnerable groups; update on the enactment of the Agricultural (Commercial) Land Reform Amendment Act aiming to improve the expropriation process (CERD/C/NAM/13-15, para. 56; CERD/C/NAM/CO/12, para. 17);

(g) Assessment of the Affirmative Action (Employment) Act and measures taken to ensure black people's access to managerial and supervisory posts (CERD/C/NAM/13-15, paras. 201-206);

(h) Details on the use of mother tongue in public services, including administration, justice and education (CERD/C/NAM/13-15, para. 200; A/HRC/WG.6/24/NAM/3, para. 51);

(i) Update on the desegregation of the educational system and on efforts to ensure free access to education (CERD/C/NAM/13-15, paras. 28, 152 and 315).

3. Situation of minority groups and indigenous people (arts. 5 and 7)

(a) Efforts to ensure a systematic participation and consultation of indigenous communities, in particular the San, in the policymaking process of issues affecting them; Impact of the San development programme, including annual visits by representatives of the Office of the Prime Minister to those communities; activities to promote tolerance and cultural diversity (CERD/C/NAM/13-15, paras. 26, 89-92; CERD/C/NAM/CO/12, paras. 12 and 24; A/HRC/24/41/Add.1, paras. 16 and 56);

(b) Specific efforts made to ensure the representation of indigenous people in legislative and administrative institutions (CERD/C/NAM/13-15, paras. 81 and 82; CERD/C/NAM/CO/12, para. 22);

(c) Measures taken to establish an independent institution to assess applications by traditional leaders for recognition under the Traditional Authorities Act and the Council of Traditional Leaders Act (CERD/C/NAM/13-15, paras. 42-49; CERD/C/NAM/ CO/12, para. 16; A/HRC/WG.6/24/NAM/3, para. 49); information on the recognition of Khwe San community's traditional authority in Caprivi (A/HRC/24/41/Add.1, para. 88);

(d) Updated information on the situation of indigenous people, in particular the San, regarding the enjoyment of their rights under the Convention, including their access to education, housing, employment and health care; measures taken to address the high HIV rate among the San (CERD/C/NAM/13-15, paras. 79 and 297; CERD/C/NAM/CO/2, paras. 20 and 21; A/HRC/WG.6/24/NAM/3, para. 47);

(e) Measures taken to recognize ownership of indigenous peoples over the lands that they traditionally occupy or have occupied (CERD/C/NAM/13-15, para. 68;

CERD/C/NAM/CO/12, paras. 18 and 19); details on measures taken to protect their rights, including when they are minorities in a given area (A/HRC/24/41/Add.1, paras. 23, 28, 34 and 40; A/HRC/WG.6/24/NAM/3, para. 48);

(f) Assessment of the measures taken to address the difficulties of marginalized groups to access education (CERD/C/NAM/13-15, para. 28; CERD/C/NAM/CO/12, para. 13); measures taken to enhance access to education for San and Himba children (A/HRC/24/41/Add.1, para. 57); impact of the "mobile school units" programme (CERD/C/NAM/13-15, para. 137 (iv); CERD/C/NAM/CO/12, para. 21);

(g) Updated information on the investigation of rape cases of San women, such as the sentences pronounced, the compensation granted and additional measures taken to address the root causes of that phenomenon (CERD/C/NAM/13-15, paras. 84-86; CERD/C/NAM/CO/12, para. 23);

(h) Situation of women belonging to disadvantaged groups.

4. Situation of non-citizens (art. 5)

(a) Measures taken to ensure to non-citizens, including asylum seekers and refugees, access to health-care services, housing, education and employment (CERD/C/NAM/13-15, paras. 33-39; CERD/C/NAM/CO/12, para. 15; A/HRC/WG.6/24/NAM/3, para. 53);

(b) Restrictions of refugees and asylum seekers' freedom of movement and the ensuing impact on their right to employment (CERD/C/NAM/13-15, paras. 292-294; CERD/C/NAM/CO/12, para. 15).